

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JOSEPH ANTONETTI,

Plaintiff,

v.

Civ. No. 21-1202 MIS/GJF

JOHN GAY, et al.,

Defendants.

ORDER GRANTING MOTION TO SEAL

THIS MATTER is before the Court on Corrections Defendants’ Motion to Seal [ECF 31] (“Motion”). Therein, Defendants request that the Court “seal sensitive corrections and law enforcement files pertaining to this mater.” Mot. [ECF 31] at 1. Corrections Defendants first seek to completely seal—i.e., prevent both the public and Plaintiff from accessing certain records—“out of concern for the safety of those who live and work in jails.” *Id.* at 1–5 (quoting *Brown v. Flowers*, 974 F.3d 1178, 1188 (10th Cir. 2020)).¹ “Corrections Defendants are willing to submit these files for in camera review at request of the Judge.” *Id.* at 1. Corrections Defendants also request that certain medical-related documents “be sealed from public view, but that Plaintiff [nevertheless] have access to them.” *Id.* at 5–6.²

The Court finds the Motion [ECF 31] to be well-taken and hereby **GRANTS** it as follows.

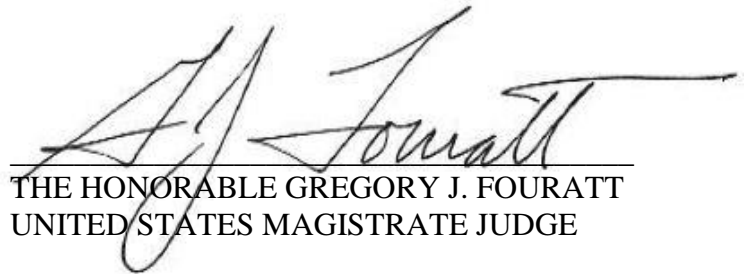
¹ Such records include information regarding, *inter alia*, “Plaintiff’s battery on another inmate with a deadly weapon”; “post-fight images of the Plaintiff and [his] victim in their underwear”; “victim’s medical records, graphic images of stabbing victim”; “Medical Incident Report from Plaintiff’s fight with another inmate, and images of the assailant/victim”; and “sensitive information pertaining to Plaintiff’s criminal history and background”; and “the names of other inmates.” Mot. at 2–4; *see Brown*, 974 F.3d at 1187–88 (providing that prisons must “articulat[e] a real and substantial interest that justifies depriving the public of access to the records that inform [the prison’s] decision-making process” (quotation omitted)); *Clark v. N.M. Dep’t of Corr.*, 58 F. App’x 789, 792 (10th Cir. 2003) (unpublished) (sealing “report contain[ing] information that has the potential to seriously jeopardize [the plaintiff’s] and other inmates’ safety”).

² Such records include “Plaintiff’s Medical Records”; “Plaintiff’s Behavioral and Mental Health Records”; “Plaintiff’s medication and pharmacy records”; and “Plaintiff’s COVID-19 records.” Mot. at 5–6.

IT IS ORDERED that (1) the documents identified as posing a “concern for the safety of those who live and work in jails,” *id.* at 1–5, shall be sealed; and (2) the medical-related documents, *id.* at 5–6, shall be provided to Plaintiff but sealed from public view.

IT IS FURTHER ORDERED that the documents identified as posing a “concern for the safety of those who live and work in jails,” *id.* at 1–5, shall be submitted to the Court for *in camera* review. If the Court determines that any such documents do not pose a “concern for the safety of those who live and work in jails,” *Brown*, 974 F.3d at 1188, the Court will order the disclosure of such documents to Plaintiff.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE